

Exhibit A



Fountain Court

BRIAN DOCTOR QC

"One of the leading commercial silks at the Bar." Legal 500

Practice Areas:

Brian Doctor has a broad commercial and civil practice, specialising in:

- Commercial Litigation
- Civil fraud (including Bribery);
- Banking & finance
- International Arbitration;
- Competition;
- Insurance;
- Jurisdiction & Conflicts of law

Professional Overview:

Brian Doctor is a trial lawyer with years of experience in handling hard-fought business and commercial cases. He has practised as a Silk in a number of jurisdictions, including England, South Africa and the BVI. His specialty is heavy cases, both in court and before arbitration tribunals, which are fact-dependent and involve complex issues of law. Almost all his cases involves conflicts of law, and he has wide experience, in particular, of matters originating in Russia and the CIS.

He also sits as an arbitrator, and has extensive arbitration experience as counsel both here and abroad.

Recommendations (Practitioners' Guides):

Brian Doctor "works well as part of a team" and offers "clear & succinct advice". His is "a name one instinctively turns to when looking for good civil fraud counsel"
Chambers & Partners, 2012 edition

Brian Doctor has made a name for himself as an "ebullient and compelling advocate with a talent for cross-examination" **Chambers & Partners, 2011 edition**

Brian is described as "commitment and tenacity are outstanding". **Legal 500, 2010 edition**

In **Chambers & Partners 2010 edition** Brian is described as "a man with jaw-dropping intellect." (Commercial dispute resolution), and a "robust cross-examiner and accomplished litigator who can turn his hand to extremely complex matters."

In the **2009 edition of Chambers & Partners**, Brian Doctor is recommended in Commercial Dispute Resolution which commented on his "outstanding intellectual ability" and in Civil Fraud where he was described as "dogged and determined".



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Areas of Specialty:

Banking and finance:

Brian has an extensive practice of advising in banking matters, and acts both for and against banks in the UK and abroad. In the last year he has

- a. acted for a Canadian bank in proceedings in London regarding a guarantee for a subsidiary, and the appointment of a receiver;
- b. acted against a bank in litigation arising out of PPI selling and the Consumer Credit Act; . .
- c. advised in a potential group action arising out of the Banking credit crunch events

Banking litigation:

Harrison v Black Horse Ltd [2011] EWCA Civ 1128

Commercial First v Atkins: mortgage claim subject to Consumer Credit and other defences

Prospective group actions arising out of credit crunch and collapse of banks

BTA Bank v Ablyazov (2009- 2010), claim by Kazakh Bank against its former chief executive.

Office of Fair Trading v Abbey National Plc and others [2008] EWHC 875 (Comm): trial regarding overdraft charges and fairness under the UTCCA:

Advised OFT in connection with Credit Card default charges, leading to *OFT Guidance in April 2006*

Three Rivers District Council and BCCI v Bank of England [2004 - 2005]. Acted for Bank of England

Shamil Bank of Bahrain v Beximco Pharmaceuticals Ltd [2004] 1 WLR 1784 choice of law, Islamic banking

Civil Fraud and Bribery:

Brian has acted in the two largest civil fraud cases of recent years: Tajik Aluminium, and *BTA Bank v Ablyazov*. He has been involved in many aspects of the law, raised in those cases. In addition, he has acted in arbitrations in this field. He has also acted for the defendant in a recent trial in the BVI where the claim was held to have been fraudulently brought. He is currently representing parties in an international arbitration where both sides are making extensive allegations of fraud.

Merlin Mineral Resources v Kermas Ltd. (BVI)

BTA Bank v Ablyazov: claims by Bank against former chief executive

TadAZ v Ermatov and Ansol. Acted for Defendants in largest commercial fraud claim (\$540m) to come to trial in the Commercial Court. 2005 – 2008. Settled end 2008.



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Limitation

Cave v Robinson Jarvis and Rolf [2002] WLR 1107 (House of Lords) Deliberate concealment

Connelly v RTZ Corporation [1999] CLC 533. Foreign Limitation Periods Act.

Hallam-Eames v Merrett Syndicates Ltd The Times, 25 January 1995 (C.A.)

Various Art- related claims: Advised in various art-work claims, including as to ownership resulting from limitation expiry. Has acted as expert in foreign jurisdictions regarding ownership to chattels arising from limitation.

Jurisdiction and Conflict of Laws:

Brian regularly advises on conflict of law issues, including enforcement of foreign judgments, relevant law disputes in contract and tort and unjust enrichment cases. Notable cases which have involved actual litigation include:

Bell Group Finance (in liquidation) v Gentra Limited

Tajik Aluminium v Ermatov: challenge to jurisdiction by Part 20 Defendants: judgment of Commercial Court : [2006] EWHC 2374 (Comm)

Ansol v Rusal: jurisdiction challenge in computer hacking case: judgment of Commercial Court [2006] EWHC 2545 (Comm)

Connelly v RTZ Corporation [1998 AC 354 (HL); [1996] 2 WLR 251(CA): acted for RTZ in *forum non conveniens* proceedings: claim by employee of foreign subsidiary against English parent company. House of Lords

Lubbe v Cape Plc [1998] CLC 1559;

Afrika v Cape Plc [2000] 1 WLR 1545 (HL); [2000] 2 Lloyd's Rep. 283. House of Lords. Acted for Cape Plc in *forum non conveniens* proceedings: group action by thousands of foreign claimants alleging asbestos injuries.

Freezing Injunctions, witness summonses and disclosure of documents:

privilege:

JSC BTA Bank v Shalabayev [2011] EWHC 2915 (Ch),

JSC BTA Bank v Ablyazov: freezing orders, restriction of information to solicitors, [2009] EWHC 2840 (Comm), [2009] All ER (D) 160:

JSC BTA Bank v Ablyazov [2009] EWHC 3267 (Comm): maximum sum orders

JSC BTA Bank v Ablyazov: [2010] EWHC 90 (Comm), [2010] All ER (D) 68 (Feb) freezing orders and risks to third parties

JSC BTA Bank v Ablyazov: [2009] EWCA Civ 1125: disclosure of documents and privilege against self-incrimination



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Tajik Aluminium v Ermatov and others [2005] EWCA Civ 1218 (CA) (witness summons, arbitration)

Tajik Aluminium v Ermatov and others [2005] EWHC 2241 (Ch) (discharge of freezing order)

Competition and consumer protection:

The Medicaments Reference, (2001) Represented the Director-General of the Office of Fair Trading in the successful application to remove Resale Price Maintenance on over-the-counter medicines.

Argos and Littlewoods v The Office of Fair Trading; acted for the OFT in various applications, and the trial regarding Chapter 1 price fixing [2004] CAT 24; [2004] All ER (D) 203 (judgment on liability). Court of Appeal:

Argos and Littlewoods v The Office of Fair Trading [2005] CAT 13 judgment on penalty

Advised OFT on Credit Card Default charges, leading to settlement with credit card companies, and tobacco retailing.

Bookmakers Afternoon Greyhound Races v Amalgamated Racing: Acted for Defendants in abuse dispute between race-courses and bookmakers [2008] EWHC 1978 (Ch),

Bookmakers Afternoon Greyhound Races v Amalgamated Racing: counterclaim for alleged cartel [2008] EWHC 2688 (Ch).

Harrison v Black Horse Ltd [2011] EWCA Civ 1128; selling of PPI policies; claim against bank for "unfair relationship" (s140A Consumer Credit Act)

Advised on dispute with OFT regarding retirement villages conditions of sale

General Commercial Litigation

Brian has been involved in the past year in various cases in England and abroad, including:

Incolabs (Pty) Ltd v SSL International: Ending of distribution contract in foreign country

Merlin Mineral Resources v Kermas Ltd: shareholders' dispute re mining company

Chester Overseas Limited v Richmond Pharmacology: unfair prejudice petition



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Arbitration:

Brian has acted as an arbitrator in several disputes involving international parties, both under LCIA and ICC jurisdiction, and in South Africa. In the last year he has been involved in: .

Arbitration in South Africa regarding shares in nickel mine in Burundi, covering company law, shareholders' agreement and mining law.

Arbitration under Swiss law regarding port in Turkey

Frequently appeared as counsel in international (ICC and LCIA) arbitrations, under English law and foreign legal systems, for example Russian, Tajik and Azerbaijan law in a Swiss arbitration.

Admissions:

Called to the Bar of
Grand Cayman,
British Virgin Islands,
South Africa (SC)

Education:

BCL; BA, LL.B

Languages:

Afrikaans

Email:

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